

TOWN OF WESTFIELD

COMMUNITY DEVELOPMENT DEPARTMENT

WESTFIELD-WASHINGTON TOWNSHIP
ADVISORY PLAN COMMISSION
BOARD OF ZONING APPEALS
ZONING ENFORCEMENT
BUILDING PERMITS

Meeting Date:	June 18, 2007
Docket Number:	0706-VS-015
Appellant:	Cindy Tripp
Property Address:	19540 Lamong Road
Special Exception Request:	<i>WC 16.04.100, 3</i> Fence height

EXHIBITS

- | | |
|--|------------|
| 1. Staff Report | 06/18/2007 |
| 2. Aerial Location Map, Zoning Map & Existing Land Use Map | 06/18/2007 |
| 3. Property Card | 06/07/2007 |
| 4. Appellant's Application and Plans | 05/09/2007 |

RELATED CASES

- | | |
|-------------|---|
| 0706-SE-01 | Kennel in AG-SF1 – special exception request |
| 0706-VS-014 | Accessory structure not subordinate to principal – variance request |

VARIANCE OF STANDARD REQUEST

This variance of standard request is to allow an eight-foot (8') tall fence (*WC 16.04.100, 3*). The taller fence would be for the outdoor area of the proposed kennel facility (0706-SE-01).

PROPERTY INFORMATION

The subject property is currently approximately 11.68 acres in size (see Exhibit 3). The subject property is located on the west side of Lamong Road and is approximately 1,000 feet north of 193rd Street. The subject property is zoned AG-SF1. Currently, the property is being used as a single-family residence (see Exhibit 2).

The subject property is bounded on the north, south, east and west by agricultural uses. Adjacent properties to the northeast and southeast are residential in nature. Property on all sides is also zoned AG-SF1. The subject property does not fall within any of the Town's overlay districts.

PROPERTY HISTORY

There are no previous variances, special exceptions, development plans, subdivision plats, or rezoning cases on record for the subject property.

ANALYSIS

The zoning ordinance limits fences to six feet (6') in height. The submitted plans for the kennel (0706-SE-01) depict a fence around the proposed building expansion area. The fenced-in area would provide a safe, enclosed environment for the animals to be outdoors, as needed. The requested variance would allow for a fence to be two feet (2') taller than the current ordinance allows.

The Westfield-Washington Township Comprehensive Plan recommends that this area remain rural in character and use. It is identified as part of the "Rural Northwest and Northeast" component of the future land use plan.

FINDINGS

No variance of standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:**

Findings: It is unlikely that the approval of the requested variance of standard would be injurious to the public health, safety, morals, and general welfare of the community. By allowing a taller fence, it is likely that public health and safety would be enhanced because it would be more difficult for animals to escape from an area with a taller fence.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:**

Findings: It is unlikely that the approval of the requested variance of standard would affect adjacent properties in a substantially adverse manner. The proposed fenced area would also be surrounded by the wooded area. Therefore, it is unlikely that the fence would be visible from neighboring properties. Additionally, the added security of a taller fence for the kennel would likely not affect neighboring properties in a substantially adverse manner.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:**

Findings: The request for a taller fence would be to increase security and safety for the animals being kept in the proposed kennel (0706-SE-01). The extra two feet (2') of fencing height could provide additional safety for both the animals and neighbors.

NOTE: If the Board does not determine ALL findings of fact in favor of the appellant, then it may not legally approve the variance request.

RECOMMENDED CONDITIONS

Should the Board approve this variance of standard request, the following conditions would be appropriate:

1. That this variance request (0706-VS-015) apply only to the fence enclosing the kennel area, as per the submitted plans;
2. That all other fencing on the subject property be subject to WC 16.04.100, 3;
3. That the fence enclosing the kennel area be no taller than eight feet (8') in height; and,
4. That all conditions associated with special exception 0706-SE-01 and variance request 0706-VS-014 are binding on the subject property.



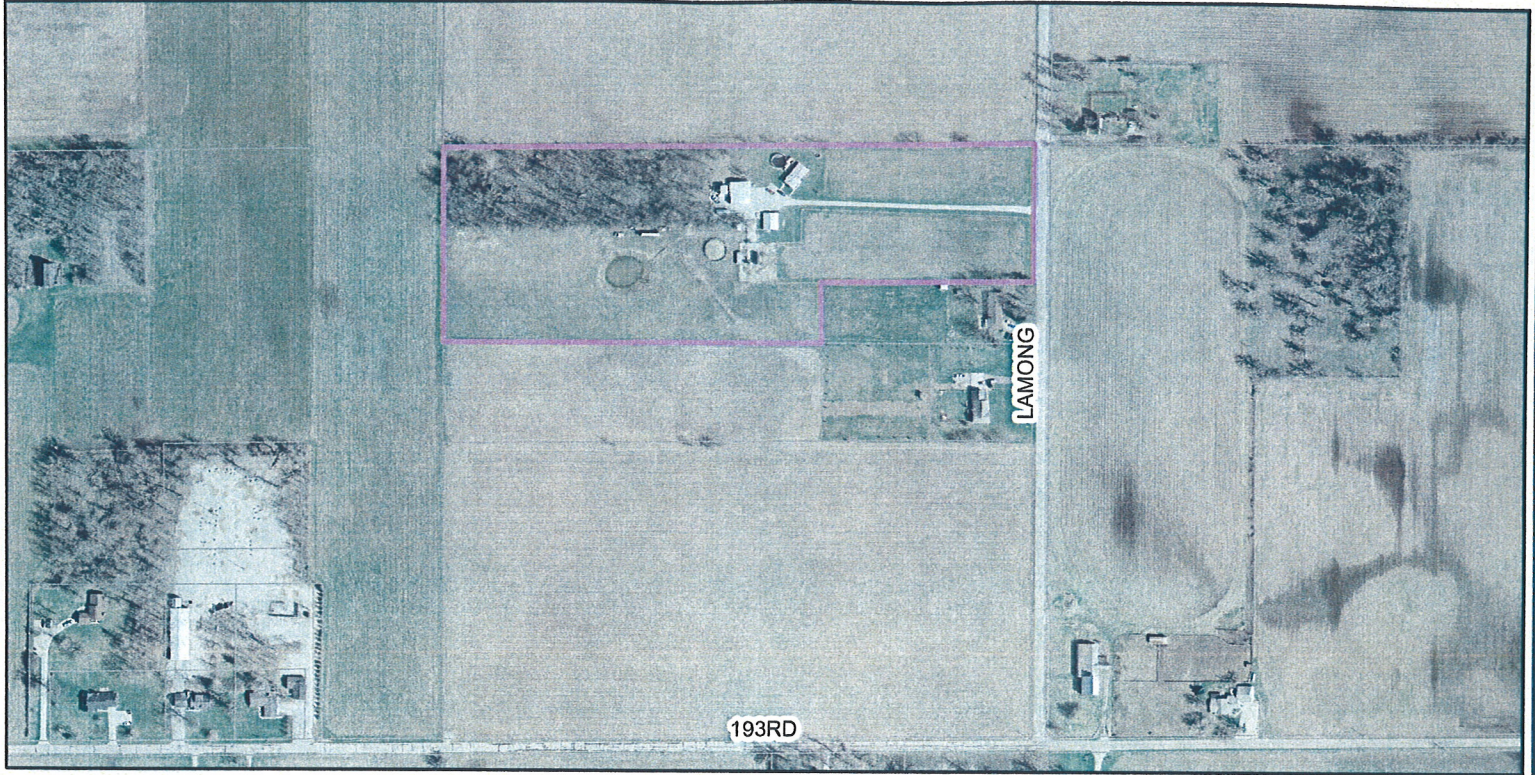
0706-SE-01, 0706-VS-014, 0706-VS-015
08-05-29-00-00-010-000
19540 Lamong Rd
Exhibit 2



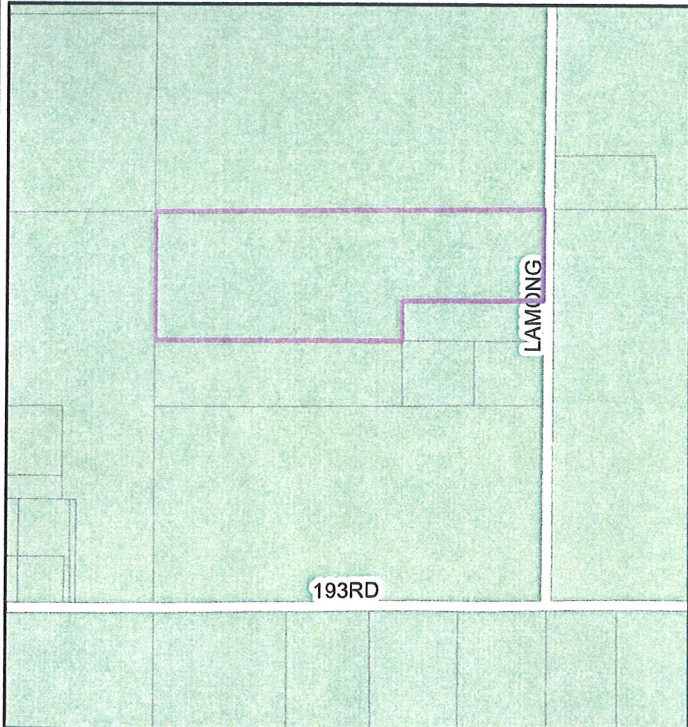
Community Development Department

Aerial Location Map

Site



Zoning Map



Agriculture Single Family 1

Existing Land Use Map



Agriculture
Residential Non-urban
Industrial

EXHIBIT 3**co. HAMILTON.in.us**

Official government site of Hamilton County, Indiana

Online Se

Property Card Report**1. report type**

Reset

2. property search

new search

3. view reports

general parcel info.

spring tax statement

tax payments

property card

fall tax statement

Disclaimer:

This program allows you to view and print certain public records. **Each report reflects information as of a specific date;** so the information different reports may not match. All information has been derived from public records that are constantly undergoing change and is not warranted for accuracy. It may not reflect the current information pertaining to the property of interest.

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Any, and all information contained on this web site report is the result of assessment data extracted on the most recent taxable year - **March 1, 2006**. Improvement characteristics may differ from those used to determine the total assessed value listed.

Summary Information - Parcel Number: 08-05-29-00-00-010.000**Property Data**

Parcel Location	19540 LAMONG ROAD, SHERIDAN
Taxing Unit	Washington
Legal Description	244-196 AUD 10/20/80 FR RASOR 323-110
Section/Township/Range	S29 T19 R03
Subdivision Name	NULL
Lot and Block	Lot Block
Acres	11.68
Effective Frontage	
Effective Depth	
Property Class	Cash Grain/General Farm

Exterior Features and Out Buildings

1 Mobile Home, 1 Miscellaneous, 1 Pool, 2 Barn,
2 Masonry Stoop, 1 Roof Extension Canopy, 2 Wood Deck,

Property Owner as of April 29, 2006

Cynthia Tripp

Most Recent Valuation as of March 1, 2005

Assessed Value: Land	39200
Assessed Value: Improvements	75900
Total Assessed Value:	115100

Building 1, Card ID R01**Physical Characteristics**

Story Height	1.0
Attic	none
Basement	none
Crawl	none
Year Built	1997

Floor Construction**Floor Finish****Exterior Cover****Interior Finish****Accommodations**

Finished Rooms	5
Bedrooms	3

Heating and Air Conditioning

Primary Heat	YES
Air Conditioning	YES

Plumbing

Full Baths	2
Partial Baths	0

Fireplace

Fireplace Stacks	NO
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Basement Rec Room

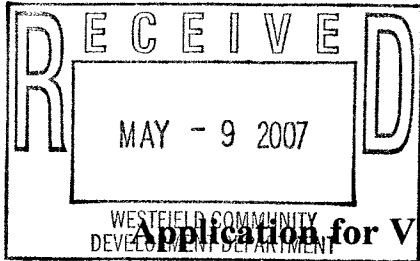
Rec Room Type	
Rec Room Square Footage	0

Area/Square Footage (based on exterior eave to eave area)

Building Level	Base Area	Approx. Area
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Garage

Garage Type



TOWN OF WESTFIELD, INDIANA

Petition Number:

0706-VS-015

Date of Filing:

05/09/07

Application for VARIANCE OF DEVELOPMENT STANDARD
Westfield – Washington Township
Board of Zoning Appeals (BZA)

This application must be completed and filed with the Community Services Department of the Town of Westfield, Indiana in accordance with the meeting schedule.

1. Appellant's Name Cindy Tripp
 Address 19540 Lamong Road
Sheridan, IN 46069
 Telephone Number (317) 896-3846
 E-Mail Address CAT 3846 @ Verizon.net
2. Landowner's Name SAA
 Address _____
 Telephone Number _____
3. *Representative SAA
 *Address _____
 *Telephone Number _____
 *Email Address _____

*If the applicant is not presenting a petition, please provide contact information for the party representing the applicant.

4. Common description of property (address, location, etc.)
19540 Lamong Road Sheridan IN 46069
Plot # 08-05-29-00-00-010.000
5. Legal description of property (list below or attach)
Please see attached
6. Complete description of the nature of the development standard variance applied for:
WC 16.04.100 3. For fence height

7. **ALL SITE PLANS SHALL BE LEGIBLE AND DRAWN TO SCALE.** Site plans must accompany this application and must depict at a minimum:
- Lot(s) shape and dimensions;
 - Location and dimensions of existing and proposed structures;
 - Location and dimensions of existing and proposed points of ingress and egress; and
 - All topographic and natural features and/or other unusual characteristics associated with the property.
8. The Applicant must address the following criteria and establish at the public hearing that each of the following is true in order to obtain a favorable determination from the BZA.

No variance of development standard shall be granted unless the BZA finds all of the following to be true:

- a. That the approval of such variance of development standard will not be injurious to the public health, safety, morals, and general welfare of the community:

Increasing the Dog Kennel's fence height from 6' to 8' will not be injurious to the public's health, safety, morals or general welfare. It is for the public's safety and for the dog to raise this height around the building only.

- b. That the use and value of the area adjacent to the property included in the variance of development standard will not be affected in a substantially adverse manner:

This additional 2' will not affect the properties adjacent. Plus it will be hidden by trees and dirty mounds with trees at top.

- c. That the strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the subject property:

It will result in practical difficulties in the use of the subject property because it will be hidden in the woods and behind building and look cleaner + neater.

TOWN OF WESTFIELD, INDIANA

The Appellant hereby certifies that the information contained in and accompanying this application is true and correct.

Candy Simpson
Applicant

SUBSCRIBED AND SWORN TO ME THIS 9th DAY OF May, 2007.

Patricia J. Leetung
Notary Public

My commission expires: 3/13/08

Legal Description

Exhibit A

**In Re: Cynthia Tripp
19540 Lamong Road
Sheridan, Indiana, 46069**

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST OVER AND ALONG THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 1331.11 FEET TO A POINT WHICH IS THE NORTHWEST CORNER OF SAID QUARTER QUARTER, THENCE SOUTH 00 DEGREES 39 MINUTES 45 SECONDS EAST ON AND ALONG THE WEST LINE OF SAID QUARTER QUARTER A DISTANCE OF 654.60 FEET TO A POINT WHICH IS 4.6 FEET NORTH OF AN EXISTING WIRE FENCE, THENCE NORTH 89 DEGREES 22 MINUTES 30 SECONDS EAST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 1330.68 FEET TO A POINT ON THE EAST LINE OF SAID QUARTER QUARTER WHICH IS 1.1 FEET SOUTH OF AN EXISTING WIRE FENCE, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST ON AND ALONG THE EAST LINE OF SAID QUARTER QUARTER A DISTANCE OF 654.60 FEET TO A POINT, SAID POINT BEING THE PLACE OF BEGINNING AND CONTAINING 20.00 ACRES

EXCEPT THE FOLLOWING

BEGINNING AT A POINT ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, SAID POINT BEING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (ASSUMED BEARING) A DISTANCE OF 304.46 FEET FROM THE NORTHEAST CORNER OF SAID QUARTER QUARTER, THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) ON AND ALONG SAID EAST LINE A DISTANCE OF 132.00 FEET, THENCE SOUTH 89 DEGREES 22 MINUTES 30 SECONDS WEST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 495.00 FEET, THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST AND PARALLEL TO THE EAST LINE OF SAID QUARTER QUARTER A DISTANCE OF 132.00 FEET, THENCE NORTH 89 DEGREES 22 MINUTES 30 SECONDS EAST AND PARALLEL TO THE NORTH LINE OF SAID QUARTER QUARTER A DISTANCE OF 495.00 FEET TO A POINT, SAID POINT BEING THE PLACE OF BEGINNING AND CONTAINING 1.500 ACRES

ALSO EXCEPT:

PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING ON THE EAST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST 436.46 FEET SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) FROM THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER 231.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 33 SECONDS PARALLEL WITH SAID EAST LINE 218.14 FEET; THENCE NORTH 89 DEGREES 22 MINUTES 33 SECONDS EAST PARALLEL WITH SAID NORTH LINE 231.00 FEET TO THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS ON SAID EAST LINE 218.14 FEET TO THE PLACE OF BEGINNING

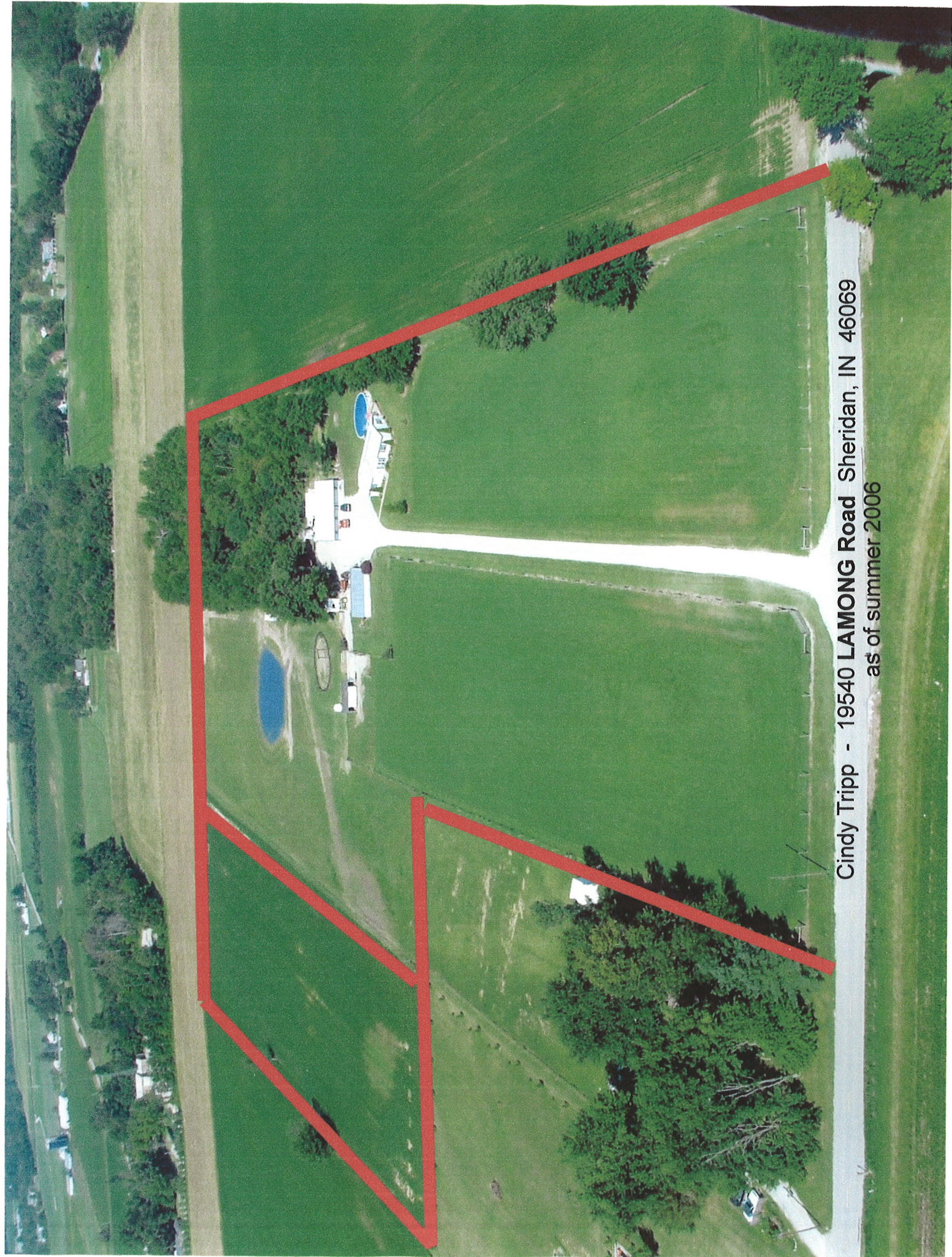
ALSO EXCEPT

COMMENCING AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) 436.46 FEET ON AND ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST 231.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER TO THE NORTHWEST CORNER OF A 1.156 ACRE TRACT OF REAL ESTATE DESCRIBED IN DEED RECORD 338, PAGE 807 (THE NORTHWEST CORNER OF SAID 1.156 ACRE TRACT ALSO BEING THE POINT OF BEGINNING OF THIS DESCRIPTION); THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS 218.14 FEET PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER TO THE SOUTHWEST CORNER OF SAID 1.156 ACRE TRACT; THENCE SOUTH 89 DEGREES 22 MINUTES 33 SECONDS WEST 264.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS 218.14 FEET PARALLEL WITH THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE NORTH 89 DEGREES 22 MINUTES 33 SECONDS EAST 264.00 FEET TO THE POINT OF BEGINNING

ALSO EXCEPT

A PART OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST, IN WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA, BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE 5/8" ROD AT THE NORTHEAST CORNER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 19 NORTH, RANGE 3 EAST; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS (ASSUMED BEARING) 654.60 FEET ON AND ALONG THE EAST LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 89 DEGREES 19 MINUTES 59 SECONDS WEST 495.00 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING AT THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 18 MINUTES 59 SECONDS WEST 829.46 FEET PARALLEL WITH THE NORTH LINE OF SAID NORTHEAST QUARTER TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING ON THE WEST LINE OF THE NORTHEAST QUARTER OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 01 MINUTES 23 SECONDS WEST 238.66 FEET ON AND ALONG THE WEST LINE OF SAID NORTHEAST QUARTER OF THE NORTHEAST QUARTER TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE SOUTH 89 DEGREES 09 MINUTES 44 SECONDS EAST 829.59 FEET TO AN 5/8" IRON ROD WITH YELLOW CAP STAMPED MILLER SURVEYING; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS 216.64 FEET TO THE POINT OF BEGINNING, CONTAINING 4.335 ACRES, MORE OR LESS

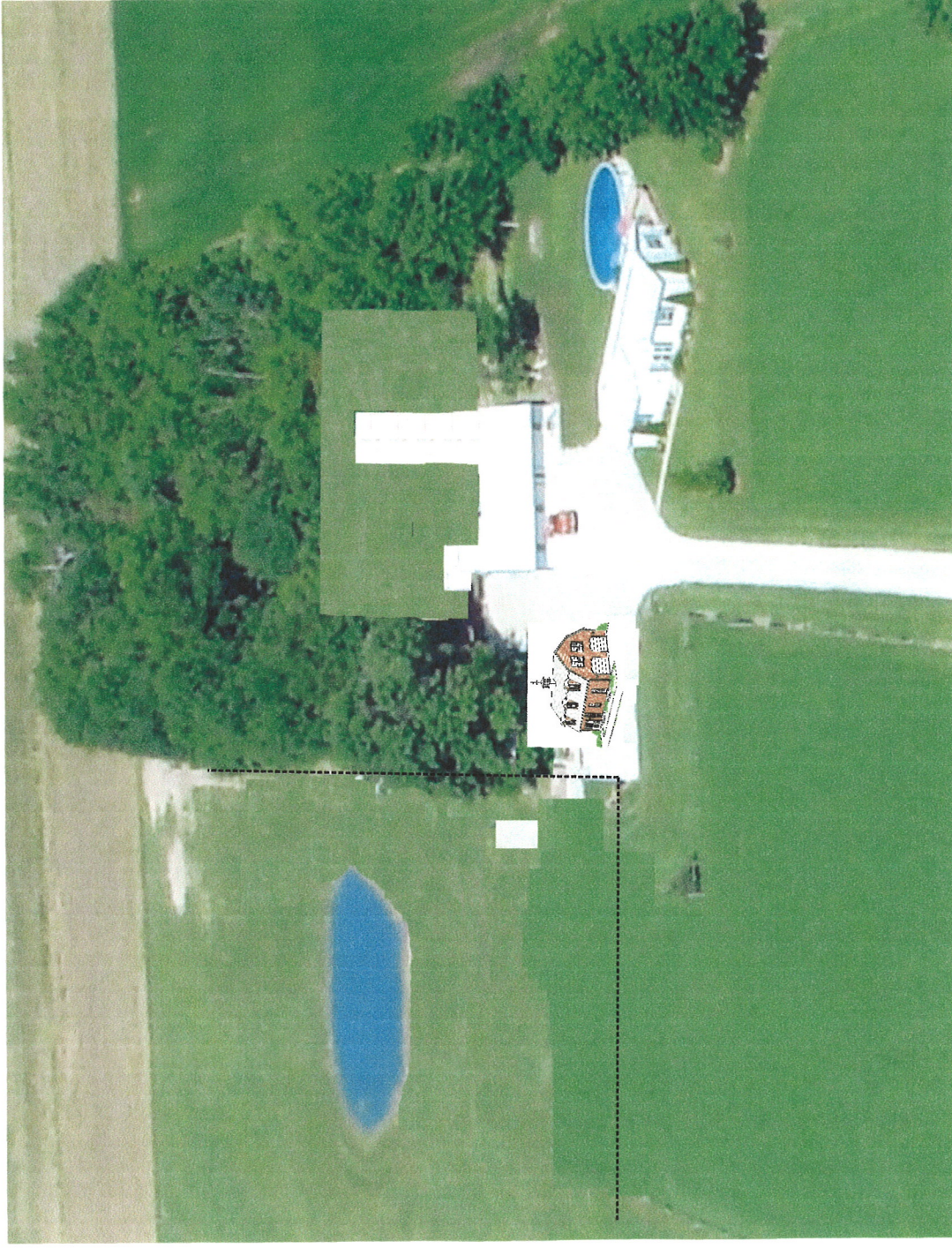


Cindy Tripp - 19540 LAMONG Road Sheridan, IN 46069
as of summer 2006



Cindy Tripp - 19540 LAMONG Road Sheridan, IN 46069
as of summer 2006

Cindy Tripp - 19540 Lamong Road, Sheridan (317) 710-1269



Would like to:

1. Tear down current garage/barn
2. Build a new garage/barn that is 30'x40'
3. Add on to current building;
 - A. Dog kennel building that is 14'x101'
 - B. Grooming building that is 20'x20'
 - C. With chain link fence surrounding it.
4. Move current 12'x14' - 2 stall horse barn back further and put new fence up.

